

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE JULY 16, 2015

AMENDED IN SENATE JULY 1, 2015

AMENDED IN SENATE JUNE 22, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1164

Introduced by Assembly Member Gatto
(Principal coauthors: Assembly Members Gonzalez and McCarty)

February 27, 2015

An act to add Section 53087.7 to the Government Code, relating to water conservation, ~~making an appropriation therefor~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1164, as amended, Gatto. Water conservation: drought tolerant landscaping.

Existing law generally authorizes every city and county, including a charter city, in this state to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations that are not in conflict with general laws.

This bill would prohibit a city, including a charter city, county, and city and county, from enacting or enforcing any ordinance or regulation that prohibits the installation of synthetic grass or artificial turf on

residential property, as specified. The bill would additionally state that this is an issue of statewide concern.

~~The bill would continuously appropriate \$300,000,000 from the General Fund to the Department of Water Resources in equal amounts of \$100,000,000 for each of the 2015–16, 2016–17, and 2017–18 fiscal years, to provide matching funds to specified local agencies to provide incentives to residents to replace water inefficient landscaping with drought tolerant landscaping.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: ~~yes~~-no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares:
- 2 (a) With the lowest snowpack ever recorded, California finds
- 3 itself in 2015 in the fourth year of a historic, prolonged, and
- 4 potentially devastating drought.
- 5 (b) Governor Edmund G. Brown Jr. issued an Executive order
- 6 on April 1, 2015, which, for the first time in California history,
- 7 directs the State Water Resources Control Board to implement
- 8 mandatory water reductions across the state to reduce water usage
- 9 by 25 percent.
- 10 (c) One component of the Governor's Executive order compels
- 11 the replacement of 50 million square feet of lawns throughout the
- 12 state with drought tolerant landscaping.
- 13 (d) Among a wide variety of drought tolerant landscaping are
- 14 a variety of native plants and landscaping alternatives, including
- 15 the installation of synthetic grass or artificial turf.
- 16 (e) According to the Department of Water Resources, landscape
- 17 irrigation represents 43 percent of urban water use. The installation
- 18 of synthetic grass or artificial turf, in lieu of conventional lawns
- 19 and landscapes, can directly reduce outdoor water use to help meet
- 20 the Governor's mandated 25-percent statewide water use reduction.
- 21 SEC. 2. Section 53087.7 is added to the Government Code, to
- 22 read:
- 23 53087.7. (a) A city, including a charter city, county, or city
- 24 and county, shall not enact any ordinance or regulation, or enforce

1 any existing ordinance or regulation, that prohibits the installation
2 of synthetic grass or artificial turf on residential property.

3 (b) A city, including a charter city, county, or city and county,
4 may impose reasonable restrictions on the type of synthetic grass
5 or artificial turf that may be installed on residential property
6 provided that those restrictions do not do either of the following:

7 (1) Substantially increase the cost of installing synthetic grass
8 or artificial turf.

9 (2) Effectively prohibit the installation of synthetic grass or
10 artificial turf.

11 SEC. 3. The Legislature finds and declares the prolonged
12 drought, along with climate change, requires the state to address
13 water conservation goals that will have long-term impacts in this
14 state. The Legislature further finds and declares that drought
15 tolerant landscaping, including the installation of synthetic grass
16 or artificial turf, is a viable landscaping alternative that will further
17 the goal of addressing long-term water conservation. Therefore,
18 allowing property owners in this state to install synthetic grass or
19 artificial turf on their residential properties is a matter of statewide
20 concern, not a municipal affair as that term is used in Section 5 of
21 Article XI of the California Constitution.

22 ~~SEC. 4. Notwithstanding Section 13340 of the Government~~
23 ~~Code, the sum of three hundred million dollars (\$300,000,000) is~~
24 ~~hereby continuously appropriated from the General Fund to the~~
25 ~~Department of Water Resources to be expended in equal shares~~
26 ~~of one hundred million dollars (\$100,000,000) for each of the~~
27 ~~2015–16, 2016–17, and 2017–18 fiscal years to provide matching~~
28 ~~funds to any city, county, city and county, public water agency,~~
29 ~~or private water agency to provide incentives to residents to replace~~
30 ~~water inefficient landscaping with drought tolerant landscaping.~~

31 ~~SEC. 5.~~

32 SEC. 4. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety within
34 the meaning of Article IV of the Constitution and shall go into
35 immediate effect. The facts constituting the necessity are:

36 In order to address the historic, prolonged, and potentially
37 devastating drought, it is necessary that residents of this state be
38 able to replace water inefficient landscaping with drought tolerant

- 1 landscaping as quickly as possible; therefore, it is necessary that
- 2 this act take effect immediately.

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